

Message Text

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TO AMEMBASSY SANA PRIORITY

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E.O. 11652: N/A

TAGS:SHUM, YE

SUBJECT: DRAFT OF HUMAN RIGHTS REPORT FOR YAR

REF: STATE 207310

1. FOLLOWING IS THE DRAFT OF THE UNCLASSIFIED HUMAN RIGHTS REPORT TO THE CONGRESS FOR THE YEMEN ARAB REPUBLIC FOR 1978. EMBASSY COMMENTS, CORRECTIONS, AND ESPECIALLY UPDATING ARE REQUESTED BY NEA/ARP AS SOON AS POSSIBLE. THIS DRAFT HAS BEEN CLEARED IN ARP AND IS BASED ON THE AGREED FINAL REPORT FOR LAST YEAR. ARP NEEDS EMBASSY COMMENTS NOT LATER THAN COB SEPTEMBER 12.

2. BEGIN DRAFT: THE YEMEN ARAB REPUBLIC (YAR) IS ONE OF THE POOREST AND MOST BACKWARD COUNTRIES IN THE NEAR EAST. IT HAS NO OIL WEALTH AND FEW OTHER NATURAL RESOURCES. YEMEN WAS ISOLATED FROM THE OUTSIDE WORLD BY THE THEOCRATIC GOVERNMENT OF THE IMAM UNTIL THE REPUBLICAN REVOLUTION OF 1962. THE REPUBLICAN GOVERNMENT HAS ONLY RECENTLY BEGUN TO FULFILL ITS RESPONSIBILITIES TOWARDS

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ITS CITIZENS. SINCE 1962 THE GOVERNMENT'S EFFECTIVENESS HAS BEEN LIMITED BY A LONG CIVIL WAR AND THE NEED TO EXTEND AND ESTABLISH THE AUTHORITY OF THE STATE THROUGHOUT THE COUNTRY.

TWO YEMENI PRESIDENTS HAVE BEEN ASSASSINATED DURING THE PAST TEN MONTHS. THE CURRENT PRESIDENT, LT. COL. SALIH,

HAS PLEDGED HIMSELF TO CONTINUE THE DEVELOPMENT-ORIENTED POLICIES OF HIS PREDECESSORS.

3. RESPECT FOR THE INTEGRITY OF THE PERSON, INCLUDING FREEDOM FROM:

A) TORTURE. THERE IS LITTLE EVIDENCE THAT TORTURE, WHICH IS PROHIBITED BY LAW, DOES OCCUR AND THAT WHICH MAY IS NOT CONDONED BY THE GOVERNMENT. BECAUSE OF POORLY DEVELOPED GOVERNMENTAL INSTITUTIONS AND PRIMITIVE SOCIAL AND PRISON CONDITIONS IN REMOTE PARTS OF THE COUNTRY, THE GOVERNMENT IS NOT ABLE TO EXERCISE COMPLETE CONTROL OVER PRISON OR LOCAL OFFICIALS.

B) CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT.

ISLAMIC LAW SANCTIONS THE SEVERING OF THE HAND OF CONVICTED THIEVES. SUCH PUNISHMENT IS NOT METED OUT TO FIRST OR SECOND OFFENDERS. CAPITAL PUNISHMENT BY PUBLIC BEHEADING IS PROVIDED FOR BY LAW FOR MURDER AND SABOTAGE, BUT SOME OFFENSES PREVIOUSLY PUNISHABLE BY DEATH, SUCH AS ADULTERY, ARE NOW PUNISHABLE BY IMPRISONMENT ONLY. PRISONERS LIVE UNDER DIFFICULT CONDITIONS, BUT ARE NOT WANTONLY MIS-TREATED. PRISONERS INCARCERATED IN REMOTE AREAS, IN WHICH THE AUTHORITY OF THE STATE IS NOT YET FULLY ESTABLISHED, ARE STILL SOMETIMES SUBJECTED TO CRUEL OR DEGRADING

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TREATMENT, OFTEN A RESULT OF PRIMITIVE PRISON CONDITIONS RATHER THAN CONSCIOUS ACTIONS BY LOCAL OFFICIALS.

C) ARBITRARY ARREST OR IMPRISONMENT. THE YEMEN CONSTITUTION AND CENTRAL GOVERNMENT DIRECTIVES PROVIDE THAT AN ACCUSED MUST BE BROUGHT BEFORE A COURT WITHIN ONE WEEK OF ARREST AND TRIED WITHIN THREE MONTHS. DETAINEES ARE PERMITTED ACCESS TO FAMILY AND LAWYERS. THERE HAVE BEEN ISOLATED INSTANCES IN WHICH LOCAL AUTHORITIES HAVE, ON THEIR OWN INITIATIVE, ARRESTED AND DETAINED INDIVIDUALS FOR LENGTHY PERIODS OF TIME WITHOUT ADEQUATE GROUNDS OR ON THE BASIS OF HEARSAY OR CIRCUMSTANTIAL EVIDENCE. POLITICAL UNCERTAINTY, RESULTING FROM ASSASSINATIONS AND SUBVERSION FROM SOUTH YEMEN, HAS POSSIBLY LED TO AN INCREASE IN THESE PRACTICES IN THE PAST YEAR.

D) DENIAL OF FAIR PUBLIC TRIAL. YEMENIS CAN OBTAIN FAIR PUBLIC TRIALS UNDER THE PROCEDURES PRESCRIBED BY ISLAMIC LAW. LAW COURTS IN YEMEN HAVE A LONG TRADITION OF FAIRNESS AND IMPARTIALITY. THE JUDGE, WHILE IMPARTIAL, PLAYS AN ACTIVIST ROLE IN QUESTIONING THE WITNESSES, SEEKING TO ESTABLISH THE GUILT OR INNOCENCE OF THE ACCUSED.

E) INVASION OF THE HOME. SEARCH WARRANTS ARE NOT REQUIRED, BUT TRADITIONAL RESPECT FOR THE INTEGRITY OF THE HOME MINIMIZES SUCH GOVERNMENTAL INVASIONS.

4. GOVERNMENTAL POLICIES RELATING TO THE FULFILLMENT OF SUCH VITAL NEEDS AS FOOD, SHELTER, HEALTH CARE AND EDUCATION

YEMEN GOVERNMENT POLICIES HAVE TENDED TO BE SUPPORTIVE OF YEMENIS' BASIC NEEDS FOR FOOD, SHELTER, HEALTH CARE AND EDUCATION. THE NEEDS OF INDIVIDUALS HAVE BEEN MET LARGEY BY PRIVATE REMITTANCES FROM YEMENIS WORKING ABROAD. RELYING LARGEY ON FOREIGN AID, THE GOVERNMENT HAS LIMITED OFFICIAL USE

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EMBARKED UPON AN AMBITIOUS FIVE-YEAR DEVELOPMENT PLAN WHICH SEEKS TO ALLEVIATE THE PROBLEMS OF THE NATION'S POOR THROUGH A VARIETY OF INFRASTRUCTURE, CAPITAL DEVELOPMENT, TRAINING AND EDUCATION AND BASIC HUMAN NEEDS PROGRAMS.

5. RESPECT FOR CIVIL AND POLITICAL LIBERTIES, INCLUDING:

A. FREEDOM OF THOUGHT, SPEECH, PRESS, RELIGION AND ASSEMBLY.

WHILE YEMENIS ARE FREE TO EXPRESS THEIR POLITICAL VIEWS, THE GOVERNMENT DOES NOT TOLERATE MASS POLITICAL RALLIES, WHICH, IN ITS VIEW, ARE POTENTIAL THREATS TO THE STATE'S INTERNAL SECURITY.

THERE IS NO EVIDENCE OF RELIGIOUS INTOLERANCE. THE SMALL JEWISH COMMUNITY RESIDES IN REMOTE SECTIONS OF THE COUNTRY AND IS ACCEPTED BY THE SOCIETY. ITS MEMBERS ARE UNDER NO RESTRICTIONS AS TO MOVEMENT OR EMIGRATION. FOREIGN CHRISTIANS ARE ALSO ALLOWED TO WORSHIP FREELY AND CHRISTIAN MISSIONARIES ARE PERMITTED TO OPERATE HOSPITALS AND CLINICS. RELIGIOUS PROSELYTIZING IS FORBIDDEN BY LAW.

THERE ARE ACTIVE FUNCTIONING NON-GOVERNMENTAL LABOR UNIONS IN YEMEN.

WOMEN IN YEMEN CONTINUE TO LEAD A TRADITIONAL AND RESTRICTED EXISTENCE. GLIMMERINGS OF CHANGE IN THEIR OVERALL STATUS ARE BEGINNING TO APPEAR. WOMEN ATTEND SANA UNIVERSITY WITH MALE STUDENTS AND ARE INCREASINGLY EMPLOYED IN GOVERNMENT OFFICES. THE YEMEN GOVERNMENT IS PUBLICLY COMMITTED TO IMPROVING THE STATUS OF WOMEN.

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THE YEMEN MEDIA ARE IN A RUDIMENTARY STAGE OF DEVELOPMENT. THEY ARE PREDOMINANTLY GOVERNMENT-OWNED AND USED TO COMMUNICATE GOVERNMENT POLICIES AND POSITIONS.

B) FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN TRAVEL AND EMIGRATION. YEMENIS ARE FREE TO TRAVEL WITHIN AND OUTSIDE THE COUNTRY AND TO EMIGRATE FREELY.

C) FREEDOM TO PARTICIPATE IN THE POLITICAL PROCESS.

THE OPPORTUNITIES FOR PARTICIPATION IN THE POLITICAL PROCESS ARE LIMITED. THE REPUBLIC IS HEADED BY A PRESIDENT. THE CONSULTATIVE ASSEMBLY WAS DISSOLVED IN 1974. POLITICAL PARTIES ARE FORBIDDEN.

6. GOVERNMENT ATTITUDE AND RECORD REGARDING INTER-NATIONAL AND NON-GOVERNMENTAL INVESTIGATION OF ALLEGED VIOLATIONS OF HUMAN RIGHTS.

THERE HAVE BEEN NO REQUESTS BY INTERNATIONAL OR NON-GOVERNMENTAL ORGANIZATIONS TO INVESTIGATE HUMAN RIGHTS CONCERNS IN YEMEN. THE EXTENT OF YEMENI COOPERATION WITH SUCH A REQUEST MIGHT DEPEND ON THE NATURE OF THE ORGANIZATION AND YEMENI PERCEPTION OF ITS OBJECTIVES. FREEDOM HOUSE CATEGORIZES YEMEN AS "NOT FREE." END OF DRAFT. CHRISTOPHER

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